

**REMARKS/ARGUMENTS**

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. By this Amendment, claims 10 and 21 have been amended. Thus, claims 1, 6, 8, 10, 11, 17, 19 and 21 are pending for further examination.

**Rejection under 35 USC 102**

Claims 1, 6, 8, 10, 11, 17, 19 and 21 have been rejected under 35 USC 102(e) as allegedly being anticipated by Gever et al. (U.S. Patent No. 6,329,994). Applicant respectfully submits that Gever fails to teach or suggest that a land object affecting external objects. Accordingly, Gever cannot anticipate the invention defined by the claims, at least because each independent claim relates to a code contained in a land object that causes an object external to the land object to be affected.

For example, page 3 of the Office Action alleges that Gever teaches a land object that generates the land image and detects when a relationship exists between a player object and the land object. While the claimed invention is roughly analogous to Gever's description of the sort of code embedded in a "Smart Object," (C.4 l. 33-46), the claimed invention requires, for example, that the jump code of claims 1 and 11 and the climb code claims 6 and 17 be embedded in the land object, and affect the player. This combination of limitations clearly requires that the land objects affect objects external to itself. In marked contrast to the claimed invention, Gever does not teach or suggest Smart Objects containing codes that alter the conditions of objects external to themselves. Similarly,

Gever does not appear to teach that predetermined external conditions can be used to switch cameras, such as the camera switching codes required by claims 8 and 19. In all embodiments described in Gever, camera objects are controlled directly by the user. By contrast, claims 8 and 19 specifically require that a camera switching code be a part of the land object.

Accordingly, Applicant respectfully requests that this rejection under 35 USC 102 be withdrawn.

**Alternate Rejection under 35 USC 103**

Claims 1, 6, 8, 10, 11, 17, 19 and 21 stand rejected under 35 USC 103(a) as allegedly being obvious over Naka et. al. (US. Patent No. 5,963,281) in view of Sasaki (U.S. Patent No. 5,577,960).

As a preliminary matter, Applicant notes that page 6 of the Office Action alleges that the “motivation” to combine Naka and Sasaki would be “to come up with a more interesting gaming apparatus.” Applicant respectfully submits that this alleged “motivation” to combine references is exceedingly generic and largely irrelevant to the claimed invention. Accordingly, Applicant submits that this “motivation” is insufficient to combine the references in the manner alleged.

Applicant respectfully submits that Naka and Sasaki, alone and in combination, fail to teach or suggest allowing a character to automatically jumping, climbing, and switching cameras as required by the claims. With respect to claim 1, the Office Action alleges that the problem of jumping over holes is a notoriously well-known limitation in

the video gaming industry. Applicant does not disagree with this assertion, at least in the abstract. However, while it certainly has been the case that video games have involved player characters jumping over holes, it is not notoriously well-known for the player character to automatically jump over a hole or hollow based upon information contained and calculated by code embedded in a land object, as required by claim 1. Indeed, the difficulties associated with judging speed, timing, etc. when jumping over a hole or hollow are described in detail in the background of the original specification. Moreover, the allegation of obviousness appears to be drawn from the Applicant's own disclosure rather than any teaching within the prior art.

Naka does not teach or suggest automatically jumping over a hole. Instead, Naka teaches something quite different -- requiring the player to initiate the jump across any trench, hole, or hollow by pressing the jump button. Accordingly, Naka does not teach these limitations of claim 1. Sasaka was introduced to make up for other admitted deficiencies of Naka. However, Naka and Sasaka, alone or in combination, fail to teach or suggest at least the above noted combination of features. Accordingly, the combination of Naka and Sasaki does not render obvious claim 1 or its dependents.

Similar arguments hold true for the remaining independent claims. In particular, embedding in a land object code for automatically jumping, climbing, and switching cameras is not notoriously well-known, and is not disclosed in Naka or Sasaki or their alleged combination. The dependent claims should be allowable at least by virtue of their dependence from the allowable independent claims.

In sum, alone or even in combination, Naka and Sasaki fail to render obvious the claimed invention. Accordingly, Applicant respectfully requests that the rejection under 35 USC 103 be withdrawn.

**Conclusion**


For at least the above reasons, Applicants believe that the claimed invention is not obvious in view of the cited prior art. Applicants further believe that all of the pending claims clearly and patentably distinguish the prior art of record and are in condition for allowance. Thus, withdrawal of the rejection and passage of this case to issuance at an early date are earnestly solicited.

Should the Examiner have any questions, or deem that any further issues need to be addressed prior to allowance, the Examiner is invited to call the undersigned attorney at the phone number below.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

  
Joseph S. Presta  
Reg. No. 35,329

JSP:mg  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100